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August 26, 2015

To: Mayor Michael D. Antonovich
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From: Sachi A. Hamai
Interim Chief Executive Officer

SACRAMENTO UPDATE

Executive Summary

This memorandum contains reports on the following:

- **Pursuit of County Positions to Support-in-Concept SB 11 (Beall) and SB 29 (Beall).** These measures would require the State Commission on Peace Officer Standards and Training to provide mandatory behavioral health training to all new officers and field training officers. Although neither bill identifies an appropriate mechanism to fund the proposed mandate requirement, these measures would support the County's mental health diversion goals. Therefore, unless otherwise directed by the Board, consistent with existing policy to support proposals to increase funding for specialized mental health training to law enforcement personnel, probation officers, and health care practitioners, **the Sacramento advocates will take support in concept positions on SB 11 and SB 29.**
- **Status of County-Advocacy Legislation.** Updates on six County-advocacy measures related to: 1) wireless communications; 2) school choice for military families; 3) medal of valor awards for ocean lifeguards; 4) adjustment of the gas tax rate; 5) protection for veteran's benefits; and 6) competitive bidding.

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Pursuit of County Position on Legislation

SB 11 (Beall), as amended on July 8, 2015, would mandate an additional 15 hours of behavioral health training in the Academy for all new officers; and a three-hour continuing education course every four years for patrol officers. **SB 29 (Beall)**, as amended on July 8, 2015, would mandate eight hours of crisis intervention behavioral health training for all field training officers.

Existing law requires specified categories of law enforcement officers to meet training standards pursuant to courses of training certified by the Commission on Peace Officer Standards and Training (POST). As required by statute, these training standards must include adequate instruction in the handling of persons with developmental disabilities and mental illness. POST introductory training currently includes a six-hour section covering several disability-related topics, including a portion on interacting with people with mental health disabilities and the involuntary commitment process. Current law additionally requires that POST offer, although not mandate, continuing education training courses on law enforcement interaction with developmentally disabled and mentally ill persons. POST currently offers several mental health certified continuing education courses that range in duration from four to 40 hours.

SB 11 would require POST to: 1) establish a training course that is at least 15 hours on law enforcement interaction with persons with behavioral health issues as part of its basic training course; and 2) provide a three-hour continuing education course on the same subject matter which law enforcement officers at the rank of supervisor or below, and whom are assigned to patrol duties, must take every four years.

SB 29, which is meant to be a companion bill to SB 11, would require law enforcement field training officers to take a minimum of eight hours of POST training regarding law enforcement interaction with persons with mental illness or intellectual disability. Both measures would provide for minimum training course requirements, including instruction in: 1) recognizing indicators of mental illness, intellectual disability, and substance use disorders; 2) conflict resolution and de-escalation techniques for potentially dangerous situations; 3) use of force options and alternatives; and 4) mental health resources available to refer people with mental illnesses who are in crisis.

The Sheriff's Department notes that SB 11 and SB 29 recognize the need to provide law enforcement with improved tools to interact with those that suffer from behavioral health issues. The Department indicates that although deputies receive some mental health training as new recruits, enhanced training is needed to better prepare them for the numerous contacts with mentally ill persons that occur once they are deployed. To address this issue, the Sheriff's Department, in collaboration with the District Attorney

and Department of Mental Health, are working towards implementing an enhanced Critical Incident Training (CIT) program. CIT training, which is a priority proposal in the County's pending Diversion Plan, is intended to provide law enforcement officers with concrete tools to interact more effectively and compassionately with mentally ill persons in the field. The County is working towards implementing a local 16-hour CIT training program, with a potential, future 40-hour CIT training model whenever cost and operational factors allow for the program's expansion. The Sheriff's Department indicates that, as currently written, SB 11 and SB 29 generally align with these training goals; however, neither bill identifies an appropriate funding mechanism to adequately fund the proposed mandate requirement. Nonetheless, the Sheriff's Department notes that the proposed bills would be beneficial to the County as they may partially off-set and assist with local training goals.

This office recommends supporting these bills in concept. Therefore, unless otherwise directed, consistent with existing policy to support proposals to increase funding for specialized mental health training to law enforcement personnel, probation officers, and health care practitioners, **the Sacramento advocates will take support in concept positions on SB 11 and SB 29.**

SB 11 and SB 29 are sponsored by UDW/AFSCME Local 3930, and supported by over 20 mental health and law enforcement agencies. Both measures are opposed by the California State Sheriffs' Association.

SB 11 and SB 29 are scheduled to be heard in the Assembly Appropriations Committee on August 27, 2015.

Status of County-Advocacy Legislation

County-opposed AB 57 (Quirk), which as amended on July 8, 2015, would: 1) deem a wireless siting or wireless collocation application approved if: a city or county fails to approve or disapprove the application within a reasonable period of time, as defined by applicable Federal Communications Commission decisions and any updates to those decisions, and the applicant has provided notice to the city or county the reasonable time period has lapsed and that the application is deemed approved pursuant to this section; 2) allow the reasonable period of time to be tolled to accommodate timely requests for information required to complete the application, or extended by mutual agreement between the applicant and the local government; and 3) allow a local government, within 30 days of receiving a deemed approved notice from the applicant, to seek judicial review of the operation of the provisions of the bill upon the application, was amended on August 18, 2015.

The recent amendments note that, except for the provisions of AB 57 (if enacted), the bill would not limit or affect the authority of local governments to decide on placement, construction, and modification of a wireless telecommunication facility. The amendments also provide that AB 57 would not impact the collocation or siting applications for wireless telecommunications facilities proposed for placement on fire department facilities.

The Department of Regional Planning reports that, as amended, the bill would still require an application for a wireless collocation or wireless siting application approved regardless if a city or county has not completed its review and approved them within 90 or 150 days, respectively. The Department of Regional Planning indicates that the proposed "deemed approved" rule would interfere with the County's duty and discretion to evaluate the impacts of a proposed new or modified wireless telecommunications facility because the truncated time frame does not provide sufficient time to complete necessary environmental review, if any is needed, determine the impact to the surrounding community, or take into account public safety considerations. **Therefore, the Sacramento advocates will continue to oppose AB 57.**

AB 57 passed the Senate Floor by a vote of 28 to 6 on August 24, 2015, this measure now proceeds to the Assembly for concurrence of Senate amendments.

County-supported AB 306 (Hadley), which as amended on July 8, 2015, would provide active duty military families the option of sending their children to the public school of their choice, passed the Senate for concurrence of Senate amendments Floor by a vote of 40 to 0 on August 24, 2015. This measure now proceeds to the Assembly.

County-supported AB 489 (Gonzalez), which as amended on June 15, 2015, would add ocean lifeguards to the list of public safety officers eligible to receive the California Public Safety Medal of Valor, passed the Senate Floor by a vote of 40 to 0 on August 24, 2015. This measure now proceeds to the Assembly for concurrence of Senate amendments.

County-supported SB 321 (Beall), which as amended on May 27, 2015, would: 1) for FY 2015-16, and each fiscal year thereafter, require the Board of Equalization (BOE) to adjust the motor vehicle fuel tax rate to generate an amount of revenue equal to the amount of revenue loss attributable to the sales and use tax exemption based on estimates that reflect the combined average of the actual fuel price over the previous four fiscal years and the estimated fuel price for the current fiscal year; and 2) authorize the BOE to adjust the fuel tax rate more frequently, if the amount of revenue being generated will be significantly different than previously projected, was amended on August 18, 2015.

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As amended, the bill's provisions would take effect in FY 2016-17 rather than on July 1, 2015. The urgency clause was also removed from the bill.

SB 321 is scheduled to be heard in the Assembly Appropriations Committee on August 26, 2015.

County-supported SB 386 (Allen), which as amended on July 1, 2015, would make it illegal to advertise or offer for sale financial products that provide cash payments by reassigning veterans' benefits to a third party, passed the Senate Floor with concurrence in Assembly amendments by a 38 to 0 vote on August 20, 2015. This measure now proceeds to the Governor.

County-support-and-amend SB 762 (Wolk), which as amended on July 7, 2015, would: 1) establish a pilot program to allow counties to select a bidder, on the basis of best value, for construction projects in excess of \$1.0 million; 2) require the bidders to verify specified information under oath; and 3) sunset the pilot program on January 1, 2020, was passed by the Assembly Appropriations Committee by a vote of 13 to 4 on August 19, 2015. The measure now proceeds to the Assembly Floor.

We will continue to keep you advised.

SAH:JJ:MR
PC:IGEA:gl

c: All Department Heads
Legislative Strategist
Local 721
Coalition of County Unions
California Contract Cities Association
Independent Cities Association
League of California Cities
City Managers Associations
Buddy Program Participants